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July 9, 2015

## **Via ECF**

The Honorable Denise L. Cote  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: Request to File Under Seal**

*NCUA v. Morgan Stanley & Co.*, No. 13-06705 (S.D.N.Y.)  
*NCUA v. RBS Securities Inc.*, No. 11-02340 (D. Kan.)  
*NCUA v. RBS Securities Inc.*, No. 11-05887 (C.D. Cal.)  
*NCUA v. RBS Securities Inc.*, No. 13-06726 (S.D.N.Y.)

Dear Judge Cote:

RBS filed today a letter motion seeking an order permitting the deposition of Barclays to occur on August 5, 2015. RBS's letter motion attaches two exhibits (Exhibits B and D) that RBS requests permission to file under seal. Exhibit B is an excerpt from the Rough Transcript of the Deposition of Owen Cole, which NCUA designated as Confidential pursuant to the Master Protective Order (ECF No. 103)<sup>1</sup> entered in these actions. Exhibit D is an excerpt from the Rough Transcript of the Deposition of Larry Fazio, and is treated as Confidential Material pursuant to Paragraph 5.2(c) of the Master Protective Order. Paragraph 9 of the Master Protective Order provides:

In the event that before trial in the Related Actions, or in connection with any hearing in or any matter relating to the Related Actions, counsel for any Party determines to file or submit in writing to the Clerk's office any Protected Material, or any papers containing or making reference to the substance of such material or information, such documents or portions thereof containing or making reference to such material or information shall be filed with a request that the documents

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<sup>1</sup> All ECF citations are to *NCUA v. Morgan Stanley & Co.*, No. 13-06705 (S.D.N.Y.).

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be filed under seal in accordance with the rules of the Court, and kept under seal until further order of the Court.

In accordance with Rule 4(A) of the Court's Individual Practices in Civil Cases, the Court's June 8, 2015 Order (ECF No. 234), and Paragraph 9 of the Master Protective Order, RBS requests permission to file Exhibits B and D to its letter motion under seal in accordance with the rules of Court, and requests that the documents be kept under seal until further order of the Court.

Very truly yours,

*/s/ R. Alexander Pilmer*

R. Alexander Pilmer

cc: Counsel of Record (via ECF)